

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**Civil Action No. 1:24-cv-03583-VMC**

**DRIVE PLANNING, LLC, and  
RUSSELL TODD BURKHALTER,**

**Defendants,**

**and**

**JACQUELINE BURKHALTER,  
THE BURKHALTER RANCH  
CORPORATION, DRIVE  
PROPERTIES, LLC, DRIVE  
GULFPORT PROPERTIES LLC,  
and TBR SUPPLY HOUSE, INC.,**

**Relief Defendants.**

\_\_\_\_\_/

**DECLARATION OF COURT-APPOINTED RECEIVER  
KENNETH D. MURENA**

I, Kenneth D. Murena, state as follows:

1. I am over 18 years of age, am a resident of Miami-Dade County, Florida, and am competent to make this declaration upon knowledge I have gathered pursuant to my appointment and in my role as Receiver of Drive Planning,

LLC (“Drive Planning”) in the above-captioned matter pursuant to the Order Appointing Receiver [ECF No. 10] (the “Appointment Order”).

2. My attorneys, forensic accountants, and I investigated the purchase and ownership of the Bliss Property<sup>1</sup> by reviewing bank account statements, wire confirmations, public records, and a forensic reconstruction of accounts and transactions of Drive Planning to trace the funds used to purchase the Bliss Property.

3. I confirmed that on November 21, 2022, a Warranty Deed was executed and recorded in the public record by the Grantors Luis David Ramos and Ronilynn Brissy Ramos, collectively transferring their respective interests in the property located in St. Petersburg, Florida (*i.e.*, the Bliss Property), to Russell Todd Burkhalter and Jacqueline Burkhalter. *See* Warranty Deed, attached as **Exhibit 1**.

4. Mr. Burkhalter is the Chief Executive Officer and sole owner of Drive Planning, LLC, and Ms. Burkhalter is a named Relief Defendant in this action and the estranged spouse of Mr. Burkhalter.

5. My review of Drive Planning’s Truist Bank statements confirmed that on October 10, 2022, \$50,000 was transferred from Drive Planning’s Truist account no. ending in 2951 to Smith & Associates Real Estate, LLC, the closing

---

<sup>1</sup> Defined terms contained in this declaration have the same meaning as those in my motion for constructive trust to which this Declaration is an exhibit.

attorneys for the purchase of the Bliss Property. The details of this wire transaction are as follows:

Account	Trans. Date	Withdrawals/CC Charges	Name (Adjusted Name)	Wire Reference
**2951	10/11/22	\$50,000.00	Smith & Associates Real Estate LLC	20221021-00027775

6. My review of Drive Planning's Truist Bank statements further confirmed that two wires on October 31, 2022 and November 18, 2022, transferred \$2,320,168.26 from Drive Planning's Truist account no. ending in 2951 to Fidelity National Title of Florida, the title agent for the purchase of the Bliss Property. The details of these wire transactions are as follows:

Account	Trans. Date	Withdrawals/CC Charges	Name (Adjusted Name)	Wire Reference
**2951	10/31/22	\$50,000.00	FIDELITY NATIONAL TITLE OF FLORIDA	20221031-00030639
**2951	11/18/22	\$2,270,168.26	FIDELITY NATIONAL TITLE OF FLORIDA	20221118-00023366

7. The foregoing transfers of funds from Drive Planning were used to purchase the Bliss Property. *See* Settlement Statement, attached as **Exhibit 2**

8. On the dates that the three wires totaling \$2,370,168.26 were transferred from Drive Planning's Truist account no. ending in 2951 for the purchase of the Bliss Property, Drive Planning's account contained millions of dollars of Drive Planning investor funds, and was the account used by Drive Planning to receive and disburse investor funds. *See* ECF No. 81.

9. I determined that Drive Planning alone paid the purchase price for the Bliss Property with funds that investors had deposited into Drive Planning's account for the purpose of investing in a Drive Planning investment program.

10. According to my review of the public records, no purchase money mortgage loan was used to purchase the Bliss Property, and no mortgage or lien was recorded against the property as of October 2, 2024 when I recorded a Notice of Lis Pendens as to the property. *See* Notice of Lis Pendens, attached as **Exhibit 3**.

11. The Bliss Condominium Association reported to me that it has received multiple formal complaints for noise violations concerning Mr. Burkhalter and that Mr. Burkhalter has exhibited behavior that suggested intoxication which raised safety concerns at the building. As a result, the Association reported that it has limited its direct and in-person communications with Mr. Burkhalter, and that his continued violations may result in penalties and fines being assessed against the Bliss Property.

12. On August 20, 2024, the SEC's Complaint in this enforcement action and the Appointment Order were filed in the Middle District of Georgia, commencing a miscellaneous action in the district in which the Bliss Condominium is located in accordance with 28 U.S.C. § 754. *See* Notice of Filing Complaint and Order Appointing Receiver, attached as **Exhibit 4**. On August 21, 2024, the Appointment Order was recorded in Pinellas County. *See* Certified CM/ECF

Document, attached as **Exhibit 5**.

13. I used funds of the Receivership Estate to pay the outstanding property taxes totaling \$35,582.16 for the Bliss Condominium to prevent a tax certificate from being issued and a tax lien sale from taking place.

Under penalties of perjury, I declare that I have read the foregoing and that the facts contained therein are true and correct.

/s/ Kenneth D. Murena  
Kenneth D. Murena  
July 21, 2025